

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Case

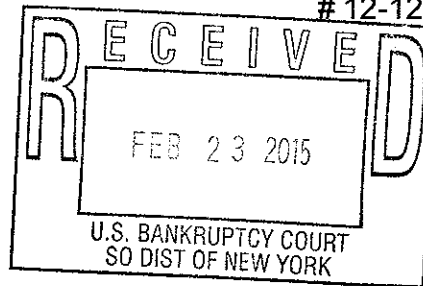
Main # 12 – cv 12020

Residential Capital, LLC, et al
Debtor

v.

Claims Against: GMAC Mortgage, LLC
12-12032

U.S. Trustee -United States Trustee
33 Whitehall Street
21st Floor
New York, NY 10004
(212) 510-0500



Claims and Noticing Agent
Kurtzman Carson Consultants
2335 Alaska Ave
El Segundo, CA 90245

Claimant: Kenneth Taggart

**Kenneth Taggart's Answer to: Opposition of claims
Trusts to Kenneth Taggart's Claim #5257
& Leave to File Amended Claim (as attached)**

1. Kenneth Taggart has claims in this Bankruptcy Case against GMAC Mortgage, LLC, which were improperly filed against Residential Capital, LLC. (Exhibit "A")

Kenneth Taggart's claims were claims asserted Pre-Petition in Montgomery County Court of Common Pleas (09-25338)

2. Kenneth Taggart Requests "Leave of the Court" to file amended claim against GMAC Mortgage, LLC. (Exhibit "H")

3. Kenneth Taggart *did file a timely claim* against Debtors, however it listed main debtor, or parent company Residential Capital, LLC, instead of GMAC Mortgage, LLC. The claims did in fact alleged claims & counter claims against GMAC Mortgage, LLC, but is filing this amended claim to insure the error is corrected. *The claim was made in good faith and should not be rejected due to minor technical error of a Pro Se claimant.*
4. Kenneth Taggart asserts all claims & counterclaims against GMAC Mortgage, LLC in the case in Foreclosure Case: (From Case in Montgomery County Court of Common Pleas (09-25338) as attached to amended claim. (Exhibit "G")
5. Kenneth Taggart hereby withdraws without prejudice in all other cases that were asserted in the original claim that was filed except those asserted in Montgomery County Court of Common Pleas (09-25338) and as asserted in Amended Claim.
6. Kenneth Taggart asserts revised damages in the amount of \$4,500,000. from Debtors GMAC Mortgage, LLC for damages regarding said mortgage loan that it serviced for, *inter alia*, breach of contract and forced placed insurance. GMAC Mortgage, LLC defaulted on loan by, *inter alia*, raising escrow payments in excess of what the contract allowed under the terms. GMAC Mortgage, LLC. , then declared that Taggart was in default. GMAC Mortgage, LLC then erroneously reported to credit agencies, and HUD that Taggart was in default causing Taggart to re-moved from the FHA approved appraisers list when in fact he was not at fault. This caused the loss of income and livelihood of Taggart for at least 5 years. Actual damages of lost income, punitive damages, special damages, general damages & treble damages are all sought

by Taggart for losses caused by GMAC Mortgage, LLC actions. Damages & claims asserted in Montgomery County Court of Common Pleas (09-25338) inclusive.

Findings of Fact regarding the mortgage with GMAC Mortgage, LLC

a) GMAC Mortgage, LLC now admits that the forced placed insurance was their mistake and allege that it was caused by data entry & computer error as asserted in the opposition for claim in the "Delehey Exhibit" attached to pleading.

b) Kenneth Taggart has also provided a sworn affidavit from his insurance agent that he was insured the entire time, and GMAC Mortgage, LLC was subsequently provided the information several times. (Exhibit "B")

c) GMAC Mortgage, LLC negligently paid Real Estate taxes for the property on the wrong dates which were six months too early causing the escrow account to appear that it was deficient when in fact it was GMAC's negligence that caused the "false calculations" & "false shortage" of the escrow account.

Letters from the tax collector for the property, in Franconia Township Pennsylvania, provide evidence that the tax bills were being paid 6 months too soon causing the escrow analysis assert a shortage (See Exhibits "C")

d) Kenneth Taggart also had a "Mortgage Expert" analyze the loan & escrow account to determine what the correct payment would be. The account warranted a minimal deficiency that would indicate the payment should have increased a mere \$1.49 (one dollar & forty nine cents). Not the \$209.00 GMAC Mortgage represented was needed each month. (See Exhibit "D")

e) Ironically, GMAC finally admitted that at least forced placed insurance was caused by their error, yet they never adjusted escrow payment (**to this day**) to reflect even their miscalculated payment. A credit of over \$7,800 would have substantially reduced the payment...but GMAC still inexplicitly stands by their increase of over \$209.00 per month.

f) GMAC Mortgage, LLC has not even responded to the insurance being paid six months prior to due date causing increase as well. (Exhibit "C")

g) **In order to facilitate a foreclosure to justify their increased payments, GMAC Mortgage, LLC used their "world famous robo-signer", Jeffrey Stephan, to sign an nonnotarized verification** which was improper to boot pursuant to the court. Mr. Stephan refused to answer any questions and nor could he verify the verification to the foreclosure complaint was accurate. (See Exhibits "E")

h) GMAC mortgage, has at least admitted their negligence in the insurance, but has no explanation.

i) What's further troubling is the testimony of Mr. Stephan Maxwell, custodian of record at GMAC Mortgage, LLC, who testified that he provided all documents in GMAC's file regarding Taggart's loan, but could not produce even a copy of an insurance policy that GMAC claimed they had obtained. It was simply Fraud, they never even obtained a policy, they simply just alleged to Taggart they had one! GMAC Mortgage, LLC has a track record of this, so it should not even be a surprise to the court at this point. **another Balboa Collaboration the opposition likes to use its rebranded name in attempt to hide the facts!...regarding the "No Insurance"...not even "forced placed insurance"**. But the facts are: "the wolf", Balboa, was simply given "sheep's clothing" and called itself "Newport Capital"...same dirty rat inside...!

(See deposition of Stephan Maxwell – Exhibit "F")

Conclusion

Claimant, Kenneth Taggart, can produce to the court, proof via his insurance agent that he maintained insurance at all times pursuant to the contract, the tax collector, to provide evidence that the taxes were paid six months too early in error by GMAC Mortgage, and can subpoena Mr. Jeffrey Stephan to the court as well to admit that no verification to the mortgage foreclosure complaint was even verified.

Respectfully Submitted,


Kenneth Taggart

UNITED STATES BANKRUPTCY COURT
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Debtor

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Claimant: Kenneth Taggart

Memorandum of law in Support of

**Kenneth Taggart's Answer to: Opposition of claims
Trusts to Kenneth Taggart's Claim #5257
& Leave to File Amended Claim (as attached)**

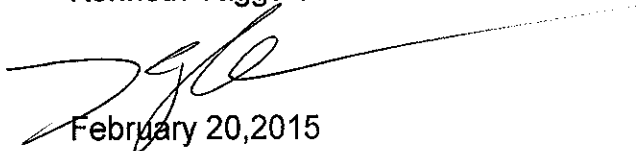
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3. Additionally, discovery and investigation as well as admissions by GMAC Mortgage, LLC of their error in least on one count regarding "Forced Placed Insurance" has prompted updated claim(s).

Respectfully Submitted,

Kenneth Taggart

A handwritten signature in black ink, appearing to be 'K Taggart', written over the printed name and date.

February 20, 2015

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Certificate of Service

Civil Case

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Served upon the court via UPS on 2/20/2015

And served other parties via USPS

US Trustee- United States Trustee
33 Whitehall street
21st Fl
New York, NY 1004

Served Morrison & Foerster, LLP
Norman Rosenbaum

Reed Smith, LLP
Barbara Hagar

Claims & Noticing Agent

